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			2618	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,884

Applicant(s)

ZEHNLE ET AL.

Examiner

Lana N. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 26 and 30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Data structures, i.e. encoded computer program, not claimed as embodied in computer readable media are not statutory.

- in claims 26 and 30, line 1, the "machine" should be "computer", and before "instructions", "computer executable" should be inserted;

- in claims 27-29 and claims 31-33, line 1, the "machine" should be "computer".

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Migliaccio (US 6,847,802) in view of Hayashi et al (US 5,434,626).

Regarding claim 1, Migliaccio discloses a receiver (fig. 2) comprising:

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a first tuner (11) that receives a first incoming signal and converts it (via 17) to a first perceptible form (amplified form);

a second tuner (13) that receives a second incoming signal and converts it (via 17) to a second perceptible form (amplified form); and

a controller (16) coupled to the first and second tuners (11, 13) for selecting (via 14) an output of the first or second tuner (11, 13), where at least one of the tuners (11, 13) is programmed to scan a frequency range (search for frequency) to identify the availability of an operator designated program (col 3, lines 16-21). Migliaccio fails to disclose an operator interface operable to: report signal strength of the operator designated program located in the first incoming signal; and accept an activation that directs the receiver to switch reception to the first incoming signal. However, Hayashi et al disclose an operator interface (user operating remote controller 60; col 5, lines 4-16) operable to: report signal strength (via level sensor 27) of the operator designated program located in the first incoming signal (col 3, lines 38-68); and accept an activation that directs the receiver to switch (via switch 32) reception to the first incoming signal (fig. 1; col 5, lines 4-16; col 4, lines 55-66). It would have been obvious to one of ordinary skill in the art at the time the invention was made for the receiver of Migliaccio to have a user interface in order to allow the user to select the desired channel based on the control signal from the user using the remote controller as suggested by Hayashi et al.

Regarding claim 2, Migliaccio and Hayashi et al disclose the receiver of claim 1, wherein Migliaccio discloses the receiver comprising data recovery circuitry (21; fig. 7) coupled to the controller (22) to extract identifying data from at least one of the incoming

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signals (col 4, lines 52-64).

Regarding claim 3, Migliaccio and Hayashi et al disclose the receiver of claim 2, Migliaccio discloses further comprising a memory (12) storing program designation data for a comparison to the identifying data (col 3, lines 27-32).

Regarding claim 4, Migliaccio and Hayashi et al disclose the receiver of claim 3, where Migliaccio discloses the program designation data comprises operator preferred program codes (col 4, lines 9-18).

5. Claims 7, 9, 12-15, 18-19, 22-24, and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cvetkovic et al (US 6,141,536) in view of Hayashi et al (US 5,434,626).

Regarding claim 7, Cvetkovic et al disclose a receiver comprising: a memory storing program designation data (col 4, lines 43-45, storing RDS data at each AF, lines 3-6); a selected program receiver comprising: a program tuner (tuner 10); and a program output coupled to the program tuner for conveying a program output signal (reproduced program output; col 4, lines 6-7);

a program monitoring receiver (receiver 12, 16, 27, 25; col 4, lines 55-59) coupled to the memory and operable to locate (detect RDS data) a designated program matching at least a portion of the program designation data (same audio broadcast program in alternate frequencies) (col 4, lines 1-6, lines 11-15),

the program monitoring receiver (12, 16, 27, 25) (col 4, lines 55-59) comprising: a monitoring tuner (12); comparison circuitry (27) coupled to the monitoring tuner (12); and a comparison output coupled to the comparison circuitry (col 3, lines 31-33); and

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signaling circuitry (25) coupled to the comparison output, the signaling circuitry comprising a signaling output for carrying a designated program location signal (detected RDS data, col 4, lines 39-50).

Cvetkovic et al do not disclose an operator interface operable to: report signal strength of the designated program; and accept an activation that directs the receiver to switch reception to the designated program. However, Hayashi et al disclose an operator interface (user operating remote controller 60; col 5, lines 4-16) operable to: report signal strength (via level sensor 27) of the designated program (col 3, lines 38-68); and accept an activation that directs the receiver to switch (via switch 32) reception to designated program (fig. 1; col 5, lines 4-16; col 4, lines 55-66). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a user interface in the receiver of Cvetkovic et al in order to allow the user to select the desired channel based on the control signal from the user using the remote controller as suggested by Hayashi et al.

Regarding claim 9, Cvetkovic et al and Hayashi et al disclose the receiver of claim 8, where Cvetkovic et al disclose the program preference data comprises at least one program code (col 6, lines 47-49).

Regarding claim 12, Cvetkovic et al and Hayashi et al disclose the receiver of claim 7, where Cvetkovic et al disclose the selected program receiver (other tuner) is operable to turn ON and automatically receive the designated program in response to the signaling output (col 4, lines 6-7).

Regarding claim 13, Cvetkovic et al disclose a receiver comprising: a first

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program receiver comprising: a first tuner (10); and a first program output for carrying a first program output signal processed by the first tuner (10);

a second program receiver (12, 16, 27, 25) comprising: a second tuner (12); and a second program output for carrying a second program output signal; a memory storing program designation data (col 4, lines 43-45, or storing RDS alternate frequencies having same audio broadcast program, lines 3-6); and a controller (16) coupled to the memory, the first program receiver (10), and the second program receiver (12), the controller (16) operable to cause the first receiver to receive a first program (receives user selected program) while the second receiver locates a designated program (broadcast audio program) that matches at least a portion of the designation data (col 4, lines 39-50). Cvetkovic et al fail to disclose an operator interface operable to: report signal strength of the operator designated program located in the first incoming signal; and accept an activation that directs the receiver to switch reception to the first incoming signal. However, Hayashi et al disclose an operator interface (user operating remote controller 60; col 5, lines 4-16) operable to: report signal strength (via level sensor 27) of the operator designated program located in the second program output signal (col 3, lines 38-68); and accept an activation that directs the receiver to switch (via switch 32) reception to the second program output signal (fig. 1; col 5, lines 4-16; col 4, lines 55-66). It would have been obvious to one of ordinary skill in the art at the time the invention was made for the receiver of Cvetkovic et al to have a user interface in order to allow the user to select the desired channel based on the control signal from the user using the remote controller as suggested by Hayashi et al.

Regarding claim 14, Cvetkovic et al and Hayashi et al disclose the receiver of claim 13, wherein Cvetkovic et al disclose the controller (16) is further operable to cause the second receiver to receive the designated program while causing the first receiver to locate a next designated program, when the second receiver locates the designated program (selection of which receiver to locate the RDS data is arbitrary; col 4, lines 16-21).

Regarding claim 15, Cvetkovic et al and Hayashi et al disclose the receiver of claim 13, wherein Cvetkovic et al disclose the receiver comprising signaling circuitry (25) coupled to the controller (16).

Regarding claim 18, Cvetkovic et al and Hayashi et al disclose a method for receiving a designated program, wherein Cvetkovic et al disclose the method comprising the acts of: reading program designation data (reading RDS alternate frequencies having same audio broadcast program or AFs signal quality from memory); receiving a selected program with a selected program receiver (10) (user selected program) (col 4, lines 6-7); locating a designated program that matches at least a portion of the program designation data with a program monitoring receiver (12) (col 4, lines 39-50); and signaling a location of the designated program when the program monitoring receiver locates the designated program (best matched AF having same audio program, matched RDS data of AF; col 4, lines 39-50).

Regarding claim 19, Cvetkovic et al and Hayashi et al disclose the method of claim 18, wherein Cvetkovic et al disclose locating a designated program comprises the acts of: receiving a transmitted program signal; obtaining program indicia (PI code) from

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the transmitted program signal; and comparing (via 27) the program indicia to at least a portion of the program designation data (program audio data) (col 6, lines 47-57).

Regarding claim 22, Cvetkovic et al disclose a method for receiving a designated program, the method comprising the acts of: receiving a first program (user selected program) with a first program receiver (10);

locating a designate program (RDS alternate frequencies having same audio broadcast program) with a second program receiver (12), the designated program matching program designation data (same audio broadcast program), while the first program receiver (10) receives the first program (user selected program); and interchanging operations of the first and second program receiver so that the second program receiver receives the designated program while the first program receiver locates a next designated program, when the second program receiver locates the designated program (selection of tuner to use as RDS alternate frequency tuner is arbitrary; col 4, lines 18-21).

Cvetkovic et al do not disclose an operator interface operable to: report signal strength of the designated program; and accept an authorization to switch reception of the designated program to the first program receiver. However, Hayashi et al disclose an operator interface (user operating remote controller 60; col 5, lines 4-16) operable to: report signal strength (via level sensor 27) of the designated program (col 3, lines 38-68); and accept an authorization to switch (via switch 32) reception of the designated program to the first program receiver (fig. 1; col 5, lines 4-16; col 4, lines 55-66). It would have been obvious to one of ordinary skill in the art at the time the invention was

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made to have a user interface in the receiver of Cvetkovic et al in order to allow the user to select the desired channel based on the control signal from the user using the remote controller as suggested by Hayashi et al.

Regarding claim 23, Cvetkovic et al and Hayashi et al disclose the method of claim 22, wherein Cvetkovic et al disclose the method comprising the act of reading operator specified program preference data comprising a program code list (PI code; col 6, lines 47-49).

Regarding claim 24, Cvetkovic et al disclose the method of claim 22, wherein Cvetkovic et al disclose the method comprising the act of interchanging operations of the first and second program receiver a second time so that the first program receiver receives the subsequent designated program for presentation while the second program receiver locates a succeeding designated program (selection of tuner to use as RDS alternate frequency tuner is arbitrary; col 4, lines 18-21).

Regarding claim 30, Cvetkovic et al disclose a machine readable medium encoded with instructions program that cause a signal receiver to perform a method comprising: receiving a first program with a first program receiver (10); locating a designated program (RDS data of AFs) with a second program receiver (12) that matches program designation data (AFs which has same broadcast audio program), while the first program receiver receives the first program (user selected program; col 4, lines 6-7); and interchanging operations of the first and second program receiver so that the second program receiver receives the designated program for presentation while the first program receiver locates a next designated program, when the second program

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receiver locates the designated program (selection of tuner to use as RDS alternate frequency tuner is arbitrary; col 4, lines 18-21).

Regarding claim 31, Cvetkovic et al disclose the machine readable medium of claim 30, where the program designation data comprises at least one operator specified program code (PI code; col 6, lines 47-49).

Regarding claim 32, Cvetkovic et al disclose the machine readable medium of claim 30, further comprising the act of interchanging operations of the first and second program receiver a second time so that the first program receiver receives the next designated program for presentation while the second program receiver locates a succeeding designated program (selection of tuner to use as RDS alternate frequency tuner is arbitrary; col 4, lines 18-21).

Regarding claim 33, Cvetkovic et al disclose the machine readable medium of claim 30, where locating a designated program comprises the act of sweeping at least one of a television and a radio frequency range (radio alternating frequencies range; col 4, lines 1-6).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Migliaccio (US 6,847,802) in view of Ellis et al (US 2005/0,020,223).

Regarding claim 6, Migliaccio discloses the receiver of claim 1, where Migliaccio does not disclose the receiver comprising further comprising combining circuitry coupled to the controller that combines at least one of the first and second incoming signals with an availability signal. Ellis et al disclose further comprising combining circuitry coupled to the controller that combines at least one of the first and second incoming signals with an availability signal (para. 439). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a combining circuitry in order to notify to the user in a form of text display that there is a match in the new content with the located desirable content.

8. Claims 8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cvetkovic et al (US 6,141,536) in view of Migliaccio (US 6,847,802).

Regarding claim 8, Cvetkovic et al disclose the receiver of claim 7, where the program designation data comprises operator specified program preference data. Cvetkovic et al do not disclose the program designation data comprises operator specified program preference data. Migliaccio discloses user specified program preference data (col 4, lines 15-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the user preference data to the RDS signal in order to add other signals components characteristic of the radio apparatus as suggested by Migliaccio (col 3, lines 41-45).

Regarding claim 20, Cvetkovic et al disclose method of claim 18, where reading the program designation data comprises the act of reading operator specified program preference data. Cvetkovic et al do not disclose the program designation data comprises operator specified program preference data. Migliaccio discloses user specified program preference data (col 4, lines 15-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the user preference data to the RDS signal in order to add other signals components characteristic of the radio apparatus as suggested by Migliaccio (col 3, lines 41-45).

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cvetkovic et al (US 6,141,536) in view of Ellis et al (US 2005/0,020,223).

Regarding claim 11, Cvetkovic et al disclose the receiver of claim 7, further comprising combining circuitry coupled to the program output and the signaling circuitry, where the combining circuitry combines the designated program location signal with the program output signal. Ellis et al disclose a receiver comprising combining circuitry (display) coupled to the program output and the signaling circuitry, where the combining circuitry (display) combines the designated program location signal with the program output signal (para. 439). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a combining circuitry in order to notify to the user in a form of text display that there is a match in the new content with the located desirable content.

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Migliaccio (US 6,847,802) in view of Seto et al (US 2002/0,120,943).

Regarding claim 5, Migliaccio discloses receiver of claim 3, where Migliaccio does not disclose the program designation data comprises at least one of a program selection count and a program selection time. Seto et al disclose a program designation data comprises at least one of a program selection count and a program selection time (paras. 41-42; fig. 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a program selection count and time in the receiver of Migliaccio in order to base the tuning on the most selected and most recent program stored in the program selection history as suggested by Seto et al (para. 12).

11. Claims 10, 17, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cvetkovic et al (US 6,141,536) in view of Seto et al (US 2002/0,120,943).

Regarding claim 10, Cvetkovic et al discloses receiver of claim 7, where Cvetkovic et al does not disclose the program designation data comprises at least one of a program selection count and a program selection time. Seto et al disclose a program designation data comprises at least one of a program selection count and a program selection time (paras. 41-42; fig. 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a program selection count and time in the receiver of Cvetkovic et al in order to base the tuning on the most selected and most recent program stored in the program selection history as suggested by Seto et al (para. 12).

Regarding claim 17, Cvetkovic et al discloses receiver of claim 13, where Cvetkovic et al discloses the program designation data comprises at least one of a

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program code list (PI) (col 3, lines 65-67). Cvetkovic et al does not disclose the program designation data comprises at least one of program selection count and a program selection time. Seto et al disclose a program designation data comprises at least one of program selection count and a program selection time (paras. 41-42; fig. 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a program selection count and time in the receiver of Cvetkovic et al in order to base the tuning on the most selected and most recent program stored in the program selection history as suggested by Seto et al (para. 12).

Regarding claim 21, Cvetkovic et al discloses the method of claim 18, where Cvetkovic et al does not disclose reading the program designation data comprises the act of reading program selection characteristic data including at least one of a program selection count and a program selection time. Seto et al disclose a method of reading the program designation data comprises the act of reading program selection characteristic data including at least one of a program selection count and a program selection time (paras. 41-42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to read from the memory of Cvetkovic et al program selection count and time in the receiver of Cvetkovic et al in order to base the tuning on the most selected and most recent program stored in the program selection history as suggested by Seto et al (para. 12).

12. Claims 11, 16, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cvetkovic (US 6,141,536) in view of Ellis et al (US 2005/0,020,223).

Regarding claim 11, Cvetkovic et al disclose the receiver of claim 7, wherein Cvetkovic et al do not disclose the receiver comprising combining circuitry coupled to the program output and the signaling circuitry, where the combining circuitry combines the designated program location signal with the program output signal. Ellis et al disclose a receiver comprising combining circuitry (display) coupled to the program output and the signaling circuitry, where the combining circuitry (display) combines the designated program location signal with the program output signal (para. 439). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a combining circuitry in order to notify to the user in a form of text display that there is a match in the new content with the located desirable content.

Regarding claim 16, Cvetkovic et al disclose the receiver of claim 15, where Cvetkovic et al do not disclose the designated program location signal comprises an audio signal. Ellis discloses a designated program location signal comprises an audio signal (para. 439). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a location signal be audible in order to notify to the user in a form of sound that there is a match for the desirable content.

Regarding claim 25, Cvetkovic et al disclose the method of claim 22, where Cvetkovic et al do not disclose the method further comprising the acts of generating an announcement signal in response to locating the designated program and combining the announcement signal with the first program. Ellis discloses a method comprising the acts of generating an announcement signal in response to locating the designated program (found a matched content) and combining the announcement signal

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(notification signal to user by speaker of matched content) with the first program (new matched content) (para. 439). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have an announcement signal in order to notify to the user in a form of display or sound that there is a match for the desirable content.

13. Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cvetkovic (US 6,141,536) in view of Ellis et al (US 2005/0,020,223) and further in view of Hayashi et al (US 5,434,626).

Regarding claim 26, Cvetkovic et al disclose a machine readable medium encoded with instructions that cause a signal receiver to perform a method comprising:

reading program designation data (reading RDS alternate frequencies having same audio broadcast program or AFs signal quality from memory); receiving a selected program with a selected program receiver (10) (user selected program) (col 4, lines 6-7); locating a designated program that matches the program designation data with a program monitoring receiver (12) (col 4, lines 39-50). Cvetkovic et al do not disclose generating an announcement signal when the program monitoring receiver locates the designated program. Ellis et al disclose generating an announcement signal (announcing via output to speaker) when the program monitoring receiver locates the designated program (para. 439). It would have been obvious to one of ordinary skill in the art at the time the invention was made to generate an announcement signal in order to notify to the user there's a matching user designated content.

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Cvetkovic et al and Ellis et al do not disclose reporting signal strength of the designated program; and receiving an activation signal that directs the receiver to switch reception to the designated program. However, Hayashi et al disclose reporting signal strength (via level sensor 27) of the designated program (col 3, lines 38-68); and receiving an activation signal that directs the receiver to switch (via switch 32) reception to the designated program (fig. 1; col 5, lines 4-16; col 4, lines 55-66). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the reporting and activation signal in the receiver of Cvetkovic et al and Ellis et al in order to allow the user to select the desired channel based on the control signal from the user using the remote controller as suggested by Hayashi et al.

Regarding claim 27, Cvetkovic et al, Hayashi et al, and Ellis et al disclose the method of claim 26, where Cvetkovic et al disclose where locating a designated program comprises the acts of: receiving a transmitted program signal (RDS data); obtaining program indicia (PI code) from the transmitted program signal; and comparing (via 27) the program indicia to at least a portion of the program designation data (AFs having the same audio content program) (col 6, lines 47-57).

14. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cvetkovic et al (US 6,141,536) in view of Ellis et al (US 2005/0,020,223) in view of Hayashi et al (US 5,434,626) and further in view of Migliaccio (US 6,847,802).

Regarding claim 28, Cvetkovic et al, Hayashi et al, and Ellis et al disclose the machine readable medium of claim 26, where Cvetkovic et al, Hayashi et al, and Ellis et al do not disclose reading program designation data comprises the act of reading

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operator specified program preference data. Migliaccio discloses reading program designation data comprises the act of reading operator specified program preference data (col 4, lines 15-17; step S9; fig. 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the user preference data to the modified RDS signal in order to add other signals components characteristic of the radio apparatus as suggested by Migliaccio (col 3, lines 41-45).

15. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cvetkovic et al (US 6,141,536) in view of Ellis et al (US 2005/0,020,223) in view of Hayashi et al (US 5,434,626) and further in view of Seto et al US 2002/0,120,943).

Regarding claim 29, Cvetkovic et al, Ellis et al, and Hayashi et al disclose the machine readable medium of claim 26, wherein Cvetkovic et al, Ellis et al, and Hayashi et al do not disclose reading program designation data comprises the act of reading at least one of a program selection count and a program selection time. Seto et al disclose a method of reading the program designation data comprises the act of reading program selection characteristic data including at least one of a program selection count and a program selection time (paras. 41-42; fig. 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to read from the memory of Cvetkovic et al, Hayashi et al, and Ellis et al program selection count and time in order to base the tuning on the most selected and most recent program stored in the program selection history as suggested by Seto et al (para. 12).

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

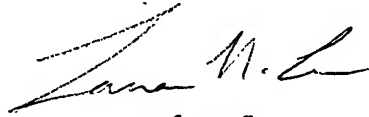
17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lana N. Le whose telephone number is (571) 272-7891. The examiner can normally be reached on M-F 9:30-18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lana Le


11-06-06
LANA LE
PRIMARY EXAMINER